

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|-------------------------------|---|---------------------------|
| BRIDGETON LANDFILL, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:20 CV 1240 RWS |
| |) | |
| MISSOURI ASPHALT PRODS., LLC, |) | |
| |) | |
| Defendant. |) | |

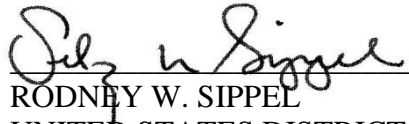
MEMORANDUM AND ORDER

I reviewed the parties' respective positions and in the interest of judicial economy, plaintiff's motion for partial summary will be denied without prejudice to being refiled at the conclusion of discovery in conformity with the deadlines set out in the amended case management order. Although plaintiff has correctly stated the law in its motion, and it is doubtful that any of defendant's affirmative defenses will ultimately preclude a finding that defendant is a responsible person under CERCLA, given that the discovery in this bench-trying case is nearing completion I will permit defendant an opportunity to finish conducting discovery before I issue a ruling on defendant's contribution to the cleanup costs at the West Lake Landfill Superfund Site.

The parties are reminded that I cannot resolve disputed issues of material fact on summary judgment motions merely because this is a bench-trying case. Summary judgment is not a substitute for trial. Finally, the parties should continue settlement negotiations.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for partial summary [47] is denied without prejudice to being refiled at the conclusion of discovery in conformity with the deadlines set out in the amended case management order



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 19th day of July, 2022.